



Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

**Department of  
Environmental Protection**  
Metro Boston/Northeast Regional Office

William F. Weld  
Governor  
Daniel S. Greenbaum  
Commissioner

SDMS DocID

244960

MAR 31 1994

URGENT LEGAL MATTER: PROMPT ACTION NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Stepan Company  
Law Department  
22 Frontage Road  
Northfield, IL 60093

RE: Wilmington -  
Olin Chemical  
51 Eames Street  
RTN # 3-0471

Attn: Jeffrey W. Barlett, Esq.  
V.P., Secretary, and  
General Counsel

NOTICE OF RESPONSIBILITY  
& INTERIM DEADLINE(S);  
M.G.L.c. 21E & 310 CMR  
40.0000

Dear Mr. Barlett:

The Department of Environmental Protection (the Department or DEP) has received a report for the subject site entitled "Comprehensive Site Assessment Phase II Field Investigation Report", dated June 25, 1993, prepared by Conestoga-Rovers & Associates of Ontario, Canada on behalf of the Olin Corporation. This report indicates that a release of oil and hazardous materials has occurred at the subject property. The term "release" refers to both a recent, sudden spill of oil and/or hazardous material or "historical" oil and/or hazardous material contamination that is identified through some level of investigation.

Based upon the information available, the Department has reason to believe that the subject property is a disposal site as defined in the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, and the Massachusetts Contingency Plan, 310 CMR 40.0000 (the MCP) and that all the necessary and required response actions have not been taken such that a level of level of No Significant Risk exists or has been achieved in compliance with M.G.L. c. 21E and the MCP.

The purpose of this notice is to inform you of your legal responsibilities under state law and to provide you with an Interim Deadline for assessing and/or remediating the subject release pursuant to the MCP. For purposes of this notice, the terms and phrases used herein shall have the meaning ascribed to them by the MCP unless the text clearly indicates otherwise.

### STATUTORY LIABILITIES

The following is provided to advise you of your statutory liabilities for completing response actions at the subject site. It is a summary of the liability provisions from M.G.L. c. 21E. Please refer to the statute for a complete description of the liability provisions.

The Department has reason to believe that you (as used in this letter, "you" refers to Stepan Company, a previous owner of National Polychemicals, Inc.) are a Potentially Responsible Party (PRP) with liability under M.G.L. c. 21E, § 5, for response action costs. Section 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site.

This liability is "strict", meaning it is not based on fault, but solely on your status as an owner, operator, generator, transporter or disposer. It is also joint and several, meaning that you may be liable for all response action costs incurred at the site, regardless of the existence of any other liable parties.

The MCP requires responsible parties to take necessary response actions at properties where there is or has been a release or threat of release of oil and/or hazardous material. If you do not take the necessary response actions, or fail to perform them in an appropriate and timely manner, the Department is authorized by M.G.L. c. 21E to have the work performed by its contractors. By taking such actions, you can avoid liability for response action costs incurred by the Department and its contractors in performing these actions, and any sanctions which may be imposed for failure to perform response actions under the MCP.

You may be liable for up to three (3) times all response action costs incurred by the Department. Response action costs include, without limitation, the cost of direct hours spent by Department employees arranging for response actions or overseeing work performed by persons other than the Department or their contractors, expenses incurred by the Department in support of those direct hours, and payments to the Department's contractors. (For more detail on cost liability, see 310 CMR 40.1200.)

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The Department may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on all of your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all response action costs incurred by the Department, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder.

#### **TRANSITION CLASSIFICATION**

The Massachusetts Department of Environmental Protection (DEP) has redesigned the Waste Site Cleanup Program. The revised Massachusetts Contingency Plan ("MCP"; 310 CMR 40.0000) and related fee regulations (310 CMR 4.00) became effective on October 1, 1993. On July 14, 1993 the site was classified as a "priority disposal site". The new MCP includes specific requirements for sites which had been classified as "priority disposal sites" under the 1988 version of the MCP in order for them to make the transition into the redesigned program.

Under the new MCP, sites will be classified as either Tier I or Tier II. All Tier I sites require permits to proceed with assessment and remediation. Tier I sites will be further divided into three permit categories, Tier IA, IB and IC. Sites classified as Tier IA will be managed by a Licensed Site Professional (LSP) under the Department's direct oversight. Tier IB and IC sites will be managed by LSPs and will not receive direct oversight by DEP, but will be subject to DEP audit.

Pursuant to the Transition Regulations of the new MCP (310 CMR 40.0640), the subject site has been categorically classified as Tier IA.

Since all Tier IA sites require permits to proceed with assessment and remediation, the Department is notifying each of the five companies identified as PRPs for the subject site (see attached list) that a Tier IA Transition Statement will be sent out to the Olin Corporation, the current property owner (also a PRP for the subject site). When this Transition Statement is signed and dated by the Olin Corporation it will become a valid Tier IA permit. It is the Department's intention to afford you and the other four companies identified as PRPs the opportunity to accept

responsibility for the assessment and remediation of the site and to work together with the Olin Corporation under a **joint** Tier 1A permit for this site. A joint permit would allow each permittee to have direct input on the decision making processes involved in assessment, remediation and cost expenditures associated with this site.

Therefore, it is imperative that you notify the Department in writing whether you intend to become a joint permittee with the Olin Corporation and/or other PRPs for the subject site. The Department encourages cooperation among PRPs in order to move disposal sites through the assessment and remediation process within the required timeframes established within the MCP.

#### ACTIONS TAKEN TO DATE AT THE SITE

The following response actions have been conducted at the subject site by the Department and the Olin Corporation:

- (1) Phase I Facility Inspection Report by Wehran Engineering Corp. on behalf of the Department.
- (2) Installation by Olin Corporation of a groundwater recovery/treatment system to abate the release of petroleum constituents (process oil) into the adjacent water body (East Ditch).
- (3) Periodic removal by Olin Corporation of white floc material (chromium silicate complex) within the drainage ditches of the site and development of a design/proposal to control the precipitation and migration of the floc material within the drainage ditches of the site.
- (4) Phase II Comprehensive Site Assessment Field Investigation Report by Conestoga-Rovers & Associates on behalf of Olin Corporation.
- (5) Proposal by Olin Corporation for the installation of a weir within the West-South Ditch confluence to control the precipitation and migration of the white floc material within the drainage ditches of the site. This action was proposed to abate the condition of Substantial Release Migration which exists within the drainage ditches of the site. On March 9, 1994, the Department approved of this proposal and set Interim Deadlines dates of April 15, 1994 and May 15, 1994, for project startup and completion, respectively.

#### NECESSARY RESPONSE ACTIONS

The Department has determined that the following response actions are necessary at the subject site:

- (1) Information available to the Department indicates that all of the response actions necessary to achieve a level of No Significant Risk at the subject site were not taken and/or completed as of October 1, 1993. Therefore, additional response actions must now be conducted in accordance with M.G.L. c. 21E and the revised MCP, 310 CMR 40.0000.
- (2) You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions at the subject site. In addition, the MCP requires persons undertaking response actions at a disposal site to submit to the Department a Response Action Outcome Statement (RAO) prepared by an LSP in accordance with 310 CMR 40.1000 upon determining that a level of No Significant Risk already exists or has been achieved at a disposal site or portion thereof. [You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals at (617) 556-1145.]
- (3) Once the Department is notified of your intentions to comply with the terms of this NOR, a Transition Statement and Tier IA Permit Application pursuant to 310 CMR 40.0700, will be sent to you. You must complete the Transition Statement, according to the Transition Provisions, 310 CMR 40.0640, sign, and date it. This will become a valid Tier IA Permit for the site effective upon its receipt by the Department.

**INTERIM DEADLINE FOR COMPLIANCE WITH THE MCP**

The MCP allows the Department to establish and enforce reasonable Interim Deadlines consistent with M.G.L. c. 21E in order to establish timeframes for responsible parties to perform response actions at disposal sites for which notification of a release/threat of release was received prior to October 1, 1993, and for which additional response actions pursuant to the MCP are required after October 1, 1993. In light of this, you are hereby notified that, at a minimum, the necessary response actions at the subject site must be conducted within the following Interim Deadline:

Within thirty (30) days of the date of the issuance of this letter, you must notify the Department in writing

acknowledging that you have been notified of and understand your obligation to undertake the response actions at the subject site pursuant to the timeframes established herein and in accordance with 310 CMR 40.0000. Furthermore, you must state whether you intend to become a joint permittee for the subject site with the Olin Corporation and/or other PRPs. Please be aware, a Tier IA Transition Statement will be sent out to the Olin Corporation after the thirty (30) day deadline has expired.

The Department's decision to establish one or more Interim Deadlines in accordance with 310 CMR 40.0167 is not subject to M.G.L. c. 30A or any other law governing adjudicatory proceedings.

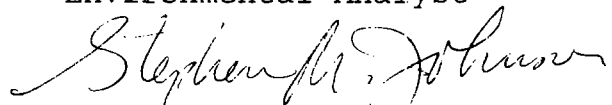
The Department encourages parties with liabilities under M.G.L. c. 21E to take prompt action in response to releases and threats of release of oil and/or hazardous material. By taking prompt action, you may significantly lower your assessment and cleanup costs and avoid the imposition of, or reduce the amount of, certain permit and annual compliance fees for response actions payable under 310 CMR 4.00.

If you have any questions relative to this notice, you should contact Valerie A. Armstrong at the letterhead address or (617) 935-2160. All future communications regarding this release must reference the Release Tracking Number (RTN #) contained in the subject block of this letter.

Very truly yours,



Valerie A. Armstrong  
Environmental Analyst



Stephen M. Johnson  
Section Chief  
Site Management/Permits Section  
Bureau of Waste Site Cleanup

Attachment

cc: Madeline Snow, Bureau Of Waste Site Cleanup, DEP, Boston  
Wilmington Board of Health  
Wilmington Fire Department  
DEP data entry/file

**FORMER OWNER/OPERATORS**  
**OLIN CORPORATION**  
**WILMINGTON, MASSACHUSETTS**

**American Biltrite, Inc.**  
River Street  
Wellesley Hills, MA 02181-2097

Contact: Henry W. Winkleman, Esq.  
Corporate Secretary,  
Corporate Counsel and  
Tax Manager

**The Biltrite Corporation**  
Two University Office Park  
Sawyer Road  
Box 9045  
Waltham, MA 02254-9045

Contact: Gerald H. Weinstein,  
Esq. V.P. - Legal

**Fisons plc**  
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Princes Street  
Ipswich Suffolk  
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Ipswich 011-44-71-47323528

Contact: Sally Reynolds,  
Group Solicitor

**NOR-AM Chemical Company**  
3509 Silverside Road  
P.O. Box 7495  
Washington, DE 19803

Contact: Kenneth D. Morris, Esq.  
Secretary and General Counsel

**Stepan Company**  
Law Department  
22 Frontage Road  
Northfield, IL 60093

Contact: Jeffrey W. Barlett, Esq.  
V.P., Secretary, and  
General Counsel

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# **Receipt for Certified Mail**

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PS Form 3800, June 1991



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2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991-302-916

3800, June 1991 (Reverse)